

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*

State Engineer, *et al.*,

Plaintiffs,

v.

ROMAN ARAGON, *et al.*,

Defendants.

No. 6:69-cv-07941 KWR-KK

RIO CHAMA STREAM SYSTEM

Section 3: Rio Cebolla

Subfile No.: CHCB-003-0002

**ORDER CORRECTING DEFAULT JUDGMENT**  
**FOR SUBFILE NO. CHCB-003-0002**

**THIS MATTER** comes before the Court on Plaintiff State of New Mexico, *ex rel.* State Engineer's ("State") Motion to Correct Error in Default Judgment for Subfile No. CHCB-003-0002, Doc. 11649, filed July 7, 2023.

On September 23, 2002, the State moved the Court to enter default judgment against the Defendants associated with Subfile No. CHCB-003-0002. *See* Doc. 6881. The Court granted the motion and entered default judgment incorporating the terms of the State's proposed consent order for this subfile. *See* Doc. 6992, filed December 16, 2002.

The State now moves the Court to correct the Order granting default judgment for Subfile No. CHCB-003-0002 pursuant to Rule 60(a) of the Federal Rules of Civil Procedure stating:

2. The default judgment for this subfile incorrectly adjudicated no water right for 5.1 acres under Header C and 1.4 acres of irrigation water right under Header D.
3. The 5.1-acre tract (Header C) should have been adjudicated an irrigation water right, and the 1.4-acre tract (Header D) should have been adjudicated no water right.
4. This error incorrectly and significantly reduced the Defendants' water right and should be corrected to match the historical beneficial use of water on the associated acres.

5. The State attempted to contact the Defendants to determine if they oppose this motion but was unsuccessful.

Motion at 1-2; *see* Fed. R. Civ. P. 60(a) (“The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record”). No responses opposing the Motion have been filed.

**IT IS ORDERED** that:

- (i) Plaintiff State of New Mexico, *ex rel.* State Engineer’s (“State”) Motion to Correct Error in Default Judgment for Subfile No. CHCB-003-0002, Doc. 11649, filed July 7, 2023, is **GRANTED**.
- (ii) The Court’s *Order Granting Default Judgment*, Doc. 6992, filed 12/16/2002, is corrected as follows. Header C is changed from a “No Right” to an “Irrigation” right. Header D is changed from an “Irrigation” right to a “No Right.” Therefore, Defendants have a right to irrigate 5.1 acres of land in accordance with Header C. Defendants have no right to irrigate lands under Header D.
- (iii) The Clerk of Court shall mail a copy of this Order to the Defendants at the following address:

Juan Archuleta  
Pablo Archuleta Jr.  
P.O. Box 161  
Cebolla, NM 87518

**IT IS SO ORDERED.**

  
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KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE